

REMARKS

Claims 1-17 are currently pending in this application. Claims 8-14 are allowable.

Claims 1-7 and 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 00/37012 (hereinafter Zunker). The Examiner asserts that it would have been an obvious matter of design choice to make the resilient member a trapezoidal shape rather than a rectangular shape. The Applicant respectfully traverses this rejection.

Claims 1-7 and 15-17 require a resilient member having a trapezoidal shape. Zunker does not teach or suggest to one of skill in the art to use a trapezoidal member as a resilient member. The trapezoidal shape of the resilient member of the claimed device causes the incontinence device to function in a manner different than the device in Zunker. The resilient member of the claimed device and the structure taught by the cited reference exert pressure differently, urging different parts of the non-absorbent core structure to expand. For example, the claimed device urges the arches of the M-shaped non-absorbent core to readily expand, allowing the two end portions to remain parallel to one another. In contrast, the structure taught by the cited reference urges the end portions of the non-absorbent core to expand, rather than the arches alone.

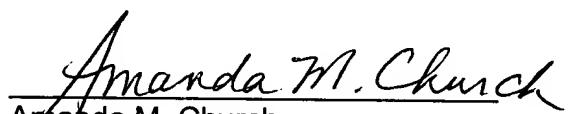
Moreover, the resilient member of the present invention does not span the entire length of the non-absorbent core, or nearly the entire length of the non-absorbent core. The structures of Zunker are folded into the non-absorbent and create increased bulk in the folds of the incontinence insert. The non-absorbent member of the claimed device can be more cleanly folded upon itself, reducing the bulk of the insert because the resilient member is not enclosed within the non-absorbent.

The shape of the resilient member as claimed serves an important purpose by solving

particular issues related to devices currently known in the art, specifically reducing bulk of the non-absorbent member and exerting pressure more effectively on the non-absorbent member. Therefore, it would not have been obvious to one of ordinary skill in the art to substitute the shape of the claimed invention for that of the resilient member disclosed by Zunker.

Pending Claims 1-17 are patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,


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